

1AP7 Rec'd PCT/PTO 04 AUG 2006

8330-3:JMD:#412793

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:	)	Before the Examiner
	)	
Udo SIEDLACZEK	)	Not Yet Assigned
	)	
Serial No. 10/566,447	)	Group Art Unit _____
	)	
Filed January 27, 2006	)	
	)	
MACHINE FOR POTTING	)	August 4, 2006
FLOWER POTS	)	

TRANSMITTAL OF DECLARATION OF INVENTORS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
**Box PCT**

Sir:

On January 27, 2006, the above-identified patent application was filed by Express Mail (Receipt No. EV579027522US-see copy of returned postcard attached) with an unsigned Declaration. Applicants transmit herewith a fully executed Declaration, along with the small entity surcharge therefore of \$65.00 (37 CFR 1.492(e)) which is to be charged to a credit card. The credit card authorization is enclosed. Also enclosed is PTO form SB/81 (Power of Attorney and Correspondence Address form).

08/09/2006 GFREY1 00000068 10566447

01 FC:2617

~~65.00 DP~~  
Express Mail Label No. EV 579027615 US

Date of Deposit August 4, 2006

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\_\_\_\_\_  
Signature of person mailing paper or fee

No additional fees are believed to be due, but if any additional fees are deemed required, please charge such fees to Deposit Account No. 23-3030.

Respectfully submitted

By: James M. Durlacher  
James M. Durlacher  
Reg No. 28,840  
Woodard, Emhardt, Moriarty, McNett  
& Henry LLP  
111 Monument Circle, Suite 3700  
Indianapolis, Indiana 46204-5137  
(317) 634-3456

8330-3:JMD:#412793:ss

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/566.447
Filing Date	January 27, 2006
First Named Inventor	Udo SIEDLACZEK
Group Art Unit	
Examiner Name	Not Yet Assigned
Attorney Docket Number	8330-3

Total Number of Pages in this Submission

11

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form  <input checked="" type="checkbox"/> Fee Attached see PTO-2038 form  <input type="checkbox"/> Amendment Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Documents  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> To Convert a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Small Entity Statement  <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Additional Enclosure (please identify below)  <input checked="" type="checkbox"/> Return Receipt Postcard  <b>Transmittal of Declaration of Inventors; Power of Attorney; copy of 371 Formalities Letter No. 5478; copy of original post card from application filing.</b>
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	<b>James M. Durlacher</b> <b>Woodard, Emhardt, Moriarty, McNett &amp; Henry LLP</b>
-------------------------------	--

Signature

*James M. Durlacher*

Date

August 4, 2006

## Certificate of Mailing

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on this date: August 4, 2006

Typed or printed  
name

Sandra L. Stilz

Signature

*Sandra L. Stilz*

Date

August 4, 2006

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL**  
**For FY 2006**☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 65.00)

**Complete if Known**

Application Number	10/566,447
Filing Date	January 27, 2006
First Named Inventor	Udo Siedlaczek
Examiner Name	Not Yet Assigned
Art Unit	Not Yet Assigned
Attorney Docket No.	8330-3

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_
☒ Deposit Account Deposit Account number: 23-3030 Deposit Account Name: Woodard, Emhardt, Moriarty, McNett & Henry LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	
Utility	300	150	500	250	200	100	0
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)  
 Each independent claim over 3 (including Reissues)  
 Multiple dependent claims

Small Entity	Fee (\$)
50	25
200	100
360	180

**Multiple Dependent Claims**

Total Claims \* -20 or HP = Extra Claims \* Fee (\$)

HP = highest number of total claims paid for, if greater than 20

Fee Paid (\$)

x 360 = 0

Independent Claims \* -3 or HP = Extra Claims \* Fee (\$)

HP = highest number of independent claims paid for, if greater than 3

Fee Paid (\$)

x 200 = 0

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 C.F.R. 1.16(s).

Total Sheets -100 = Extra Sheets /50 = Number of each additional 50 or fraction thereof (round up to a whole number) Fee (\$)

Fee Paid (\$)

x 0

**4. OTHER FEE(S)**

Fee for late filing of Declaration (small entity)

Fee Paid (\$)

\$65.00

**SUBMITTED BY**

Signature	<i>James M. Durlacher</i>	Registration No. (Attorney/Agent)	28,840	Telephone	(317) 634-3456
Name (Print/Type)	James M. Durlacher	Date	August 4, 2006		

**CERTIFICATE OF MAILING OR TRANSMISSION**I hereby certify that this correspondence is being deposited with the United States Postal Service via Express Mail in an envelope addressed to: Box PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on: **August 4, 2006**

Name (Print/Type) Sandra L. Stilz

Signature *Sandra L. Stilz* Date August 4, 2006

8330-3:JMD:#412796:ss

Matter No./Case No. 8330-3 **IAP6 Rec'd PCT/PTO 27 JAN 2006** Initials/Date: 8:55 6/7/06

RECEIPT OF THE ATTACHED IS HEREBY ACKNOWLEDGED

☒ Patent ☐ Trademark ☐ Copyright

Serial No. \_\_\_\_\_

Applicant SIEDLACZEK  
"Machine FOR DOTTING  
FLOWER POTS"

☒ WO 2005/011363 A1

☒ English translation

☐ whereof

☒ Internat'l Srch Rpt.

☒ Return Receipt Postcard

☒ Substitute Application Spec. # 16 of pages

☒ PTO Form 2038 (\$ 450 Fee)

☒ # 5 sheets of drawings - FORMAL

☒ Declaration & ~~Power of Attorney~~ unassigned

☐ Assignment & Recordation cover sheet

☐ IDS w/# \_\_\_\_\_ enclosed references

☒ Transmittal Form/PTO Form 1390

☐ Fee Transmittal/PTO Form \_\_\_\_\_

☐ Amendment/Response to Office Action

☐ Request for Extension of Time

☐ Statement of Use

☐ Specimen(s) # \_\_\_\_\_

☐ Cover Letter

**EV579027522US**

**COPY**



## UNITED STATES PATENT AND TRADEMARK OFFICE

8330-3

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/566,447	Udo Siedlaczek	833030513743mo

INTERNATIONAL APPLICATION NO.	
PCT/EP04/08165	
I.A. FILING DATE	PRIORITY DATE
07/21/2004	07/29/2003

30565

WOODARD, EMHARDT, MORIARTY, MCNETT & HENRY LLP  
111 MONUMENT CIRCLE, SUITE 3700  
INDIANAPOLIS, IN 46204-5137

**RECEIVED**

JUN 08 2006

CONFIRMATION NO. 5478

371 FORMALITIES LETTER



\*OC000000019093589\*

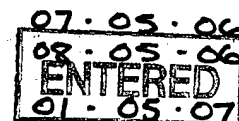
Date Mailed: 06/05/2006

Woodard, Emhardt, Moriarty,  
McNett & Henry, LLP

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 01/27/2006
- English Translation of the IA filed on 01/27/2006
- Copy of the International Search Report filed on 01/27/2006
- Copy of IPE Report filed on 01/27/2006
- Preliminary Amendments filed on 01/27/2006
- Request for Immediate Examination filed on 01/27/2006
- U.S. Basic National Fees filed on 01/27/2006
- Priority Documents filed on 01/27/2006

**COPY**

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

LawBase 6-8-06  
Matter No 8330-3  
Routed to: JMD / Sandy

- \$65 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/566,447	PCT/EP04/08165	833030513743mo

FORM PCT/DO/EO/905 (371 Formalities Notice)

**COPY**